

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-11 are pending in this application. Claims 1 and 9-11, which are independent, are hereby amended. Support for this amendment can be found throughout the Specification as originally filed and specifically on page 14 and 17.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(e) and §103(a)**

Claims 1-5 and 7-11 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent No. 6,529,878 to DeRafael, et al. (hereinafter, merely “DeRafael”).

Claim 6 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DeRafael in view of U.S. Patent No. 5,400,248 to Chisholm (hereinafter, merely “Chisholm”).

### III. RESPONSE TO REJECTIONS

Claim 1, recites, *inter alia*:

“A contents market research system...

...poll result counting means for discriminately counting said contents polling information entered by a predetermined pollee determined before said content introduction information is opened to a general pollee and said contents polling information entered by said general pollee...

...wherein said picture content has a profitable line to be applied when said picture content is to be commercialized..." (Emphasis added)

As understood by Applicant, DeRafael relates to a system and method for compensating users for responding to advertisements in an interactive manner which poses questions for users and dynamically generates further questions in response to users' answers to previous questions.

Applicant respectfully submits that DeRafael fails to teach or suggest the above-identified features of claim 1. Indeed, Applicant submits that nothing has been found in DeRafael that would teach or suggest “poll result counting means for discriminately counting said contents polling information entered by a predetermined pollee determined before said content introduction information is opened to a general pollee and said contents polling information entered by said general pollee” and “wherein said picture content has a profitable line to be applied when said picture content is to be commercialized”, as recited in claim 1.

Furthermore, Chisholm fails to cure the deficiencies of DeRafael.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 9-11 are also believed to be patentable.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,  
FROMMERM LAWRENCE & HAUG LLP  
Attorneys for Applicant

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800